

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Jose De Jesus GARCIA-Vega,

Defendant.

Magistrate Case No. 1839

AMENDED COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)- Bringing in Illegal Aliens
Without Presentation

Title 8, U.S.C., Section
1326- Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

Count I

On or about **June 12, 2008**, within the Southern District of California, defendant **Jose De Jesus GARCIA-Vega**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Ana Lucia MENDOZA-Ceja, Maria Del Rosario AMARAL-Velasco and Ignacio GARCIA-Galindo**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **June 12, 2008**, within the Southern District of California, defendant **Jose De Jesus GARCIA-Vega**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF JUNE, 2008.

UNITED STATES MAGISTRATE JUDGE

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AMENDED PROBABLE CAUSE STATEMENT

The complainant states that **Ana Lucia MENDOZA-Ceja, Maria Del Rosario AMARAL-Velasco and Ignacio GARCIA-Galindo** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 12, 2008, at approximately 0108 hours, **Jose De Jesus GARCIA-Vega (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a stolen black 1996 Jeep Grand Cherokee Limited 4x4. Upon inspection before a U.S. Customs and Border Protection (CBP) Officer, Defendant made two negative customs declarations, claimed ownership of the vehicle and presented an altered United States Passport, counterfeit California driver license and counterfeit vehicle registration all bearing the name Steven A. Harrison. Defendant stated he was going to San Diego, California. The CBP officer conducted an inspection of the vehicle and discovered individuals within the rear cargo area of the vehicle concealed under a black cloth. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers removed six individuals from the rear cargo area of the vehicle. The six concealed individuals were determined to be citizens of Mexico without legal documents to enter the United States. Three of the six individuals were retained as Material Witnesses and are now identified as: **Ana Lucia MENDOZA-Ceja (MW1), Maria Del Rosario AMARAL-Velasco (MW2), and Ignacio GARCIA-Galindo (MW3).**

Also in secondary, Defendant's fingerprints were obtained and queried utilizing the Integrated Automated Fingerprint Identification System (IAFIS) revealing Defendant's true identity. IAFIS also linked Defendant to FBI and Immigration Service records. Immigration Service records checks, including the Deportable Alien Control System identify Defendant as a deported alien. DACS information indicates that on or about November 27, 2002, Defendant was ordered deported by an Immigration Judge and physically removed from the United States on the same date. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without benefit of counsel. Defendant admitted he is a citizen of Mexico by birth in Leon, Guanajuato, Mexico and does not have legal documents to enter the United States. Defendant admitted that he has been previously deported from the United States and removed to Mexico. Defendant admitted he has not applied for or received permission from the United States government to legally re-enter the United States. Defendant admitted knowledge of the concealed aliens. Defendant admitted that he intended to enter the United States in order to deliver the vehicle and concealed aliens to San Ysidro, California. Defendant admitted that by agreeing to provide the smuggling service, his own smuggling fee of \$2,800 USD was going to be waived. Defendant admitted a man in Tijuana provided him with the altered United States Passport and counterfeit California driver license he presented for inspection as his entry documents. Defendant admitted that he presented the documents to the primary CBP officer attempting to facilitate his entry into the United States. Defendant admitted his intended destination was Los Angeles, California.

On separate videotaped interviews, all Material Witnesses admitted they are citizens of Mexico without legal rights or entitlements to enter the United States. Material Witnesses stated they were going to pay between \$3,000 and \$4,000 USD to be smuggled into the United States. Material Witnesses stated they were going to California to seek employment.